IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1401 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04/03/2004 in WP NO : 24631 OF 2003 on the file of the High Court.)

Between:

1 The APSRTC., Mushirabad, Hyderabad. rep by its Managing Director.
2 The Regional Manager, APSRTC, Mahaboobnagar, Mahaboobnagar District.

..... APPELLANT(S)

AND

1 N. Ramesh Reddi, S/o. Keshavi Reddi,
R/o. Amangal Village and Mandal, Mahaboobnagar District.
2 N. Ganga Bhavani, W/o. Keshavar Reddi,
R/o. Amangal Village and Mandal, Mahaboobnagar District.
3 The Mandal Development Officer,
R/o. Amangal Mandal, Mahaboobnagar District.

.....RESPONDENT(S)

Counsel for the Appellant:MR.P.VINAYAKA SWAMY

Counsel for the Respondents 1 and 2: Mr. M. Rama Rao

Counsel for the Respondent No.3: SMT.JYOTHI ESWAR GOGINENI

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

Appellant is claiming title through the revenue authorities to a piece of land measuring 2.00 acres comprised in part of Survey No.667/A situated at Amangal Village and Mandal, Mahabubnagar District.

Learned single judge after noticing the fact that the State Government through District Development Officer, Zilla Parishad, Mahabubnagar had already filed O.S. No. 125/92 on the file of Senior Civil Judge at Mahabubnagar and therefore during the pendency of the Civil Suit in which title is being claimed by the Government in respect of a piece of land, held that it was not necessary to record a separate finding in the writ petition. Learned single judge accordingly disposed of the writ petition of the respondents 1 and 2 with a direction that no construction will be made by the appellant corporation and status-quo will be continued to be maintained during the pendency of the Civil Suit.

Counsel for the appellant-Corporation states that when construction was partly laid over the land, no objection was raised by the respondents 1 and 2 and therefore the appellant-corporation can be permitted to undertake construction subject to the outcome of the civil suit.

As a matter of fact, the Government itself is claiming title in the land and filed a suit and when there is a dispute with regard to title of the land in question, it will not be permissible for the appellant to continue construction. We see no valid reason to interfere with the order of the learned single judge. However, status-quo is directed to be maintained in respect of the land in question till title is cleared by the Civil Court.

Needless to add that since the appellant is now claiming to be having title over the property, nothing prevented the appellant-Corporation from approaching the Civil Court and seeking injunction or praying for appropriate direction or orders, including the prayer of making construction saying that in case appellant is permitted to continue the construction and if ultimately title is not held in favour of the appellant or State Government, it should be prepared to pay the amount of compensation to respondents. All such matters will have to be decided by the Civil Court in the pending suit.

The writ appeal is accordingly dismissed. No costs.

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DEVINDER GUPTA, CJ

Date: 8th November, 2004

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C.V.RAMULU,J

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To

1 The Mandal Development Officer,
R/o. Amangal Mandal, Mahaboobnagar District.

2 . One C.C. to Smt.Jyothi Eswar Gogineni, Advocate, High Court Buildings, Hyderabad. (OUT)

3. Two C.D. copeis